

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s) Babich et al.
Docket No.: YOR920030129US1
Serial No.: 10/646,307
Filing Date: August 22, 2003
Group: 1752
Examiner: Sin J. Lee

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: *David J. Lee* Date: July 27, 2005

Title: Antireflective Hardmask and Uses Thereof

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Response to Restriction Requirement relating to the above-identified patent application. There is no additional claim fee due in connection with the Response.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

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Dated: July 27, 2005



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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Examiner's Office Action dated June 28, 2005.

The Examiner found that the claims of the instant application, which are directed to antireflective hardmask compositions for use in semiconductor devices, describe two distinct inventions. The Examiner therefore required that the application be restricted to one of the following inventions under 35 U.S.C. 121:

I. Claims 1-23, drawn to an antireflective hardmask layer and a lithographic structure comprising the antireflective hardmask layer, classified in class 430, subclass 270.1; and

II. Claims 24-34, drawn to a method for processing a semiconductor device, classified in class 430, subclass 311.


Applicants respectfully assert that the restriction requirement is improper and should be withdrawn, since each Group is generally related to antireflective hardmask compositions for use in semiconductor devices, and it is believed that a complete search for each Group would require a search of most, if not all, of the individual classes and subclasses. Accordingly, Applicants submit that an examination of

both Groups would not impose a serious burden on the Examiner. Where, as here, “the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” MPEP §803.

5 Accordingly, it is respectfully requested that the restriction requirement be reconsidered and withdrawn and that all of the pending claims in the application be examined together in this application. Alternatively, Applicants respectfully select Group I, claims 1-23, for prosecution on the merits and withdraw claims 24-34, corresponding to Group II, from prosecution.

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Dated: July 27, 2005

Respectfully submitted,



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